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E-filed 1/11/06

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Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 MISCELLANEOUS FIREARMS,)
17 SILENCERS AND AMMUNITION,)
18 Defendant.)

No. C 03-1920 JF

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING STAY AND VACATING CASE
MANAGEMENT CONFERENCE**

19 Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through
20 undersigned counsel, hereby apply to the Court for a further order extending the stay of this
21 matter and vacating the case management conference currently scheduled for January 13, 2006.
22 In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and ammunition
23 alleged to have been illegally possessed by Kevin Dugan. As reported in the last request for an
24 extension staying this action, Dugan is a prospective claimant in this action,¹ which is based, in
25 large part, on the allegations at issue in the pending criminal action (United States v. Kevin
26 Dugan, CR 03-20010 JF) . The Court has previously entered orders staying this matter pending
27 resolution of the ongoing criminal proceeding. Pretrial motions in the related criminal case are
28 currently scheduled for March 22, 2006. The factual predicate for entry of the stay has not

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

changed. Accordingly, the parties hereby request that the Court extend the stay in this matter and continue the case management conference until Friday, April 14, 2006, or a date convenient for the Court.

Dated: 1/5/06

Respectfully submitted.

KEVIN V. RYAN
United States Attorney

STEPHEN W. WINDS
Assistant United States Attorney

Dated 1-6-06

DAN HAY
DANIEL HALPERN
Attorney for Prospective Claimant Kevin Dugan

(PROPOSED) ORDER

IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-20010 JF. The case management conference currently scheduled for January 13, 2006 is vacated. The matter is continued for further status until Friday, April 14, 2006, or a date convenient for the Court.

Dated 1/11/06

JEREMY FOGEL
United States District Judge